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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,626	06/13/2006	Hakan Jaconelli	12400-045	5466
757 7590 10/09/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER				
SAUTHER, FLEMING				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
10/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,626

Applicant(s)

JACONELLI ET AL.

Examiner

Flemming Saether

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 6-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 11 is/are rejected.
- 7) ☐ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voges (US 5,967,725) in view of Brown (US 3,466,699). In looking at Fig. 7, Voges discloses a fastener comprising a bolt (1) having a threaded shank (3) with an axially extending projection (20) from a free end thereof and, a plastic cap (4) of resilient material having a bore (not shown) receiving the projection to secure the cap onto the projection. The projection is disclosed as including threads onto which the cap is screwed (column 8, line 35-37); the screwing of the cap onto the projection requires rotation thus making it rotatable on the projection. The cap including a yieldable formation (5) to frictionally engage and cooperate with a threaded bore. Voges does not disclose the yieldable formation as the claimed flanges. Brown discloses a yieldable formation (20) formed as a plurality of chamfered flanges (22) engaging with a threaded bore. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the yieldable formation of Voges with a plurality of chamfered flanged as disclosed in Brown because the chamfered flanges disclosed in Brown are superior in their engagement with the threaded bore as is discussed in Brown and would be an improvement to Voges.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Brown as applied to claims 1 and 5 above, and further in view of Lewis (US 5,306,098). Modified Takahashi does not disclose the flanges to be segmented nor the leading flanges having a lesser diameter. Lewis discloses yieldable

formations formed as flanges but, in Lewis, the flanges as shown as segmented (32, 34, 36 and 38) and a leading flange (22) is shown to have a lesser diameter. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the flanges of modified Takahashi segmented with a lesser diameter leading flange as disclosed in Lewis in order to improve the flexibility of the flanges and there alignment with the threaded bore which would overall improve the efficiency by which the cap is inserted into the threaded bore.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It would not have been obvious to provide the projection of Voges with an enlarged head, such as disclosed in Takahashi, because in a similar configuration in Voges as seen in the embodiment of Fig. 8 there is a disclosure (at 17) to prevent rotation which would teach against a combination allowing for rotation such as with Takahashi.

Response to Remarks

Applicants' remarks have been considered and generally agreed with. The examiner agrees that the combination of Takahashi and Brown would not have been obvious.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Flemming Saether
Primary Examiner
Art Unit 3677

/Flemming Saether/
Primary Examiner, Art Unit 3677